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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixteenth session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 7 May 1997, at 3 p.m.

Chairperson: Mr. ALSTON
later: Mr. GRISSA
(Vice-Chairperson)

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GE.97-16577 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS (agenda item 7) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Peru (E/1990/5/Add.29; HRI/CORE/1/Add.43/Rev.1; E/C.12/Q/PER.1) (continued)

1. At the invitation of the Chairperson, Mr. Hermoza-Moya and Mr. Reyes (Peru) took places at the Committee table.

Issues relating to the implementation of the Covenant

2. Mr. REYES (Peru), referring to the general framework of implementation in his country, said, in connection with issue 1, (E/C.12/Q/PER.1, part I) that the Government Procurator's Office (Ministerio Público) was responsible under the Constitution for initiating court proceedings, on its own account or at the request of individuals, in respect of any violation of legal rights. Since 1989, however, two autonomous institutions, the Office of the Ombudsman (Fiscalía de Defensoría del Pueblo) and the Office of the Special Procurator for Human Rights (Fiscalía de Derechos Humanos), had been given authority to monitor the observation of constitutionally guaranteed human rights. They received complaints relating to forced disappearances, extrajudicial executions, illegal detentions, ill-treatment, torture and other abuses by the police or armed forces.

3. With regard to issue 2, the self-defence committees referred to in the report (E/1990/5/Add.29, para. 11), unlike other non-governmental organizations working to defend human rights, were groups founded to uphold the rule of law within their own communities, and on occasion they acted in conjunction with the armed forces in doing so. The self-defence committees and other non-governmental organizations concerned with human rights pursued similar aims, but the latter coordinated their action with that of related national or international groups, whereas the self-defence committees were people's patrols which had no direct links outside their own villages.

4. No complaints specifically relating to non-implementation of the Covenant had been brought before the courts (issue 3). However, the Covenant's provisions were incorporated in Peru's Constitution, Penal and Civil Codes, organic laws and other legislation and individuals always had the right to seek remedies in the courts.

5. As to his Government's position with respect to the recommendations of the World Conference on Human Rights concerning the preparation of an optional protocol to the Covenant (issue 4), he noted that the Covenant established that each State party should take steps to the maximum of its available resources to achieve progressively the full realization of the rights recognized in the Covenant. Peru was acting to that end, taking into account the recommendations of the World Conference.

6. Mr. SADI, acknowledging that the poverty and the security situation in Peru might well prevent full implementation of the Covenant, said that the country's attitude towards human rights was nevertheless inadequate. He wondered whether the Government believed that the nation's development could be achieved without ensuring the protection of human rights. Other countries had come to realize that such could never be the case.

7. He also wondered whether Peru paid sufficient attention to the observations of the human rights treaty bodies in general. The Government's disregard of the observations of the Human Rights Committee was a case in point. No meaningful dialogue seemed possible in those circumstances. A recent Supreme Court ruling in a case in Lima suggested that international treaties such as the Covenant were seen as inferior to both the Constitution and the domestic laws of Peru. He therefore requested clarification of the exact status of the Covenant.

8. Mr. CEVILLE requested more information on the structure of the self-defence committees, their functions and how they contributed to the people's development.

9. Mr. ANTANOVICH said that the Government's attitude towards the Covenant, and even towards the Peruvian Constitution, was unclear. For example, did the guarantee of the right of self-determination and free pursuit of economic, social and cultural development apply fully in Peru to the country's more than 77 ethnic groups? In times of transition, the rights of minorities were often disregarded.

10. He too would like to have clarification of the community-organized self-defence committees, some of which had been given special status under the Constitution as a sort of national defence system within the armed forces reserves. It was the first time he had ever heard a paramilitary organization openly linked to the army described as a guarantor of economic, social and cultural rights. The experience of many countries in transition indicated that such was never the case. He would therefore like further details on that specific form of municipal self-rule in Peru.

11. Mr. Grissa (Vice-Chairperson) took the Chair.

12. Mr. TEXIER said that he found Peru's report unsatisfactory: a good half of it was concerned with civil and political rights, the Penal Code and other matters which were not relevant to the work of the Committee. Furthermore the part that did concern the Committee simply described Peru's legal system. The subject of main interest to the Committee was the application of the laws and the actual implementation of rights, especially for the most vulnerable groups.

13. Groups such as the self-defence committees, equipped by the army, represented nothing more than the militarization of civil society which was to be observed throughout Latin America. They were never distinguished by their respect for human rights and they often practised forced recruitment. The

Government could therefore not claim (report, para. 11) that they were one of the pillars of the reconstruction of the social life of devastated communities. Such groups did not contribute to a climate of peace, and were a matter of great concern.

14. He wished to know what remedies were available in cases of violation of economic, social or cultural rights. Could the Constitutional Court or the regular courts or the Ombudsman act to defend the rights of an individual, and could habeas corpus and amparo proceedings be brought in cases involving those rights? It was regrettable that the protection of human rights had diminished under the new 1993 Constitution, article 1 of which no longer recognized that economic, social and cultural rights were fundamental rights of the individual. The right to a decent standard of living for all - formerly recognized in article 2 of the 1979 Constitution - and the right to adequate food and appropriate housing - formerly guaranteed in article 18 - were no longer enunciated in the new Constitution.

15. Mr. WIMER asked for particulars of the differences between the 1979 and 1993 Constitutions in relation to the implementation of the Covenant and other international instruments.

16. Mr. ADEKUOYE said he wondered to what extent public officials, the judiciary, lawyers and teachers in Peru were aware of the provisions of the human rights instruments in general. Certainly the country's domestic laws seemed riddled with exceptions to the obligations under the Covenant: paragraphs 21, 22, 24 and 27 of the report referred to exceptions and limitations on rights in both the Constitution and the laws. He would like particulars of those exceptions, as well as clarification of the last sentence of paragraph 24. He understood that Peru had the highest coca production in Latin America and would welcome comment on reports that coca production and trading had probably allowed the State to meet interest payments on Peru's foreign debt.

17. Mr. Alston (Chairperson) resumed the Chair.

18. Mr. PILLAY asked how the practice of having hooded judges preside in court could be considered compatible with the Covenant's ideal of an independent, transparent judiciary. Furthermore, how could there be a separation of powers in Peru if, as reports alleged, indigenous people and peasants were detained by government agents, who proceeded to act as judges; and how, if non-Spanish-speaking indigenous peasants were not provided the interpretation services guaranteed under the Peruvian Constitution, could human rights be said to be justiciable in Peru?

19. Mr. THAPALIA asked whether the Covenant had in fact been incorporated in Peru's domestic law, given the constitutional requirement of prior congressional approval. He asked whether the functions of the Government Procurator's Office, the Office of the Special Procurator for Human Rights and the National Council for Human Rights overlapped, and which one was specifically responsible for dealing with economic, social and cultural rights under the Covenant. The Government appeared to be introducing legislation and

establishing bodies to deal with human rights, but its record on the implementation side was very weak: for instance, although an ombudsman function had been created, no Ombudsman had yet been appointed.

Article 2: Right to non-discrimination

20. Mr. REYES (Peru) said that, in implementation of the right to non-discrimination (issue 5), the Peruvian Congress had just adopted Act No. 22-772 of April 1997 prohibiting discrimination in employment and in access to education, and guaranteeing equal opportunity and treatment. It also made any such discrimination subject to sanction through the Ministry of Labour and Social Advancement. Victims of discrimination could avail themselves of the remedies of habeas corpus and amparo in the criminal courts and could take their case as far as the Constitutional Court.

21. Mr. SADI said that the Committee would have liked to receive de facto as well as de jure information on the situation with regard to discrimination. He noted that the indigenous people in the Amazon region had not been consulted on the 1995 Land Act before its adoption and he pointed out that equality included political power and particpation by people in the determination of their future.

22. Mr. CEVILLE, noting that conflicts within the indigenous communities were governed by civil law, asked how Peru's 77 ethnic groups speaking so many different languages could enjoy protection against discrimination.

23. Mr. KOUZNETSOV invited the Peruvian delegation to comment on reports by the United States Department of State that it was rare for indigenous people, who made up 30 per cent of Peru's population, to reach the highest leadership levels in either the public or the private sectors, owing to discrimination. Were there particular obstacles that hampered their employment in the private sector, such as lack of education?

24. Mr. ADEKUOYE agreed with other members who had suggested that there was discrimination in Peru in the practical application of policy. He would welcome the delegation's views on whether it was lack of education or outright prejudice that prevented Blacks from holding leadership roles in government, in the armed services and in business.

25. Mr. AHMED congratulated the Peruvian delegation on the quality of the Government's report, which had provided useful information for the Committee's consideration. Referring to paragraph 56 which dealt with the provisions of the Penal Code relating to the legal position of women in Peru, he noted with concern that the penalty for the murder of a spouse was harsher for women than for men. He asked the delegation to explain on what basis that distinction was founded.

26. He noted from paragraphs 126 and 127 of the report that under Peru's 1993 Constitution provisions on human rights were among the matters that required prior approval of Congress before they were incorporated into domestic law. That appeared to indicate that the Covenant had lost the status it had previously enjoyed under the 1979 Constitution.

27. Mrs. JIMENEZ-BUTRAGUEÑO asked whether there was any jurisprudence on the subject of violation of the rights enunciated in the Covenant, particularly in relation to women and indigenous people. She would also welcome information on the preparation of the report: specifically, who was involved, to what extent did NGOs participate, how the report was publicized and distributed, and was it available in indigenous languages?

28. Mr. REYES (Peru) said that frequent reference had been made to the differences between the 1979 and 1993 Constitutions and to possible conflict between the provisions of the Covenant and domestic law. He explained that the 1979 Constitution had established the primacy of international treaties while the current 1993 Constitution incorporated the principle of respect for human rights as proclaimed in the 1948 Universal Declaration of Human Rights. The constitutional hierarchy of human rights treaties meant that their provisions could not be amended through constitutional reform, as had been the case under the 1979 Constitution. Rather, article 32 of the current Constitution aimed at ensuring the full effect of fundamental rights in Peru and stipulated that the curtailment of human rights and provisions of international treaties could not be subject to referendum. He assured the Committee that, as evidenced by the attendance of the delegation and its active participation in the consideration of the report, his Government was committed to the effective implementation of the Covenant.

29. Referring to the question of property rights, he said that the Constitution recognized the right of all persons to ownership of land within the limitations prescribed by statute. The members of peasant and native communities were officially recognized as having legal capacity and, as such, had autonomy in the communal organization of work and free disposal of community land. Several legal measures, including ratification of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, had been taken in order to promote respect for the indigenous heritage of Peru, to safeguard the imprescriptibility of the right to ownership of land, and to prevent the destruction or appropriation of real property in indigenous communities.

30. It was common knowledge that Peru had been plagued by violence and abuses linked to terrorist activity and it was as a result of that situation that peasant and native communities had voluntarily formed peasant patrols to defend their lands and recover their livelihood. The Peruvian Government had fully supported that initiative within the framework of a strategy of national peacemaking. Complementing that approach, the Government's poverty alleviation campaign sought to make good the loss of productivity caused by terrorism which had led to the displacement of large numbers of peasants from productive zones and to loss of employment.

31. The Peruvian Government had no intention of exploiting its economic limitations as a pretext for not fulfilling its obligations under the Covenant. On the contrary, it was doing its utmost to honour its domestic and international commitments.

32. Mr. HERMOZA-MOYA (Peru), referring to Mr. Sadi's comments, recalled that the preliminary recommendations of the Human Rights Committee had been communicated in July 1996. It had therefore not been possible to introduce

the necessary reforms in application of those recommendations by October 1996 when the delegation had again appeared before that Committee. With regard to the connection between poverty and development, he pointed out that poverty could not be eliminated through enactment of legislation but required the type of development that created employment. The Government of Peru hoped significantly to reduce the level of poverty in the country by the year 2000.

33. He had noted the rigorous questioning on the subject of discrimination in Peru, and reiterated that one aim of his country's labour legislation was to eliminate all forms of discrimination. He was disturbed by the suggestion that the servicing of Peru's external debt had been supplemented by the export of coca and he categorically reaffirmed his Government's commitment to the fight against drugs. Strict measures taken under the Government's anti-drug campaign had included the adoption of guidelines for the development of alternative crops.

34. Referring to comments that there was an absence in Peru of guarantees for the administration of justice and only minimal conditions for due process, he pointed out that the system of "faceless" courts that had been mentioned was not a Peruvian creation but had been adopted from other countries for the prosecution of crimes. Full regard was had to the constitutional and human rights of persons undergoing trial. Furthermore he wished to emphasize that police officers had never been allowed to exercise the authority of judges. Such powers were beyond the jurisdiction of the police, who were restricted to the capture and arrest of offenders. He pointed out that the peasant patrols were in no way affiliated with or armed by the military, there was no forced recruitment and the participants in such patrols were subject to trial in criminal courts in the event that punishable offences were committed.

35. Referring to Mr. Thapalia's remarks, he said that special prosecutors of the Public Prosecutor's Office had been appointed in 1989 to deal with all reports of human rights violations connected with terrorism. Their responsibilities corresponded to those of an ombudsman, an office which had been established in September 1996, with responsibility for the defence of citizens against arbitrary treatment by the authorities or interference in the full enjoyment of their rights. The Ombudsman had proved extremely effective in Peru.

36. Replying to Mr. Ahmed, he explained that article 107 of the Penal Code did not provide for more severe punishment of women found guilty of murdering their husband or unmarried male partner, but rather for the elimination of any sexual discrimination in connection with the legal concept of uxoricide. The provision was in fact intended to counteract what had been described as a discriminatory bias of Peruvian society. Women were now subject to the same treatment under criminal law as men.

37. He informed Mrs. Jimenez Butragueño that Peru's initial reports had been drafted by the Peruvian Government, in representation of the Peruvian State, whose compliance with the provisions of the Covenant was under appraisal. While NGOs had not been consulted directly, their publications and reports on human and civil rights violations had been taken into account.

38. Responding to Mr. Adekuoye's concern regarding labour legislation, he said that the international and domestic instruments protecting the right of foreigners to work in Peru were listed in paragraph 22. The presence of foreigners was encouraged in the labour market and they were entitled to the same benefits as Peruvians. Recent legislation had provided for an increase in the number of foreign workers and in their remuneration, and had streamlined bureaucratic processes. The sole, universally-applied limitation lay in the requirement that the percentage of foreign workers could not exceed that of Peruvian workers. Article 63 of the Constitution placed foreign investors and the companies in which they invested on an equal footing with Peruvian companies.

39. Mr. REYES, referring to the question of the presence of members of the indigenous population in public life, said that the Peruvian Government attached particular importance to the role played by leaders of the indigenous and peasant communities. Members of the indigenous population frequently occupied the position of president of native and peasant communities, and many participated in the judicial system in remote areas, serving as lay judges with responsibility for resolving minor issues. The governors of many such communities, who worked in close cooperation with the central government, were members of the indigenous population, as were numerous local government officials, and many prominent individuals in political life and public affairs. He pointed out that he was himself from a peasant background.

40. Peru's leadership in championing the indigenous cause was well-known, and was apparent in the fact that Peruvian Ambassador José Urrutia headed the United Nations Working Group established to draft a declaration on the rights of indigenous peoples, which was composed of representatives of government and of indigenous communities from all over the world.

41. Mr. KOUZNETSOV asked whether the information on discrimination contained in the 1996 United States State Department report was inaccurate.

42. Mr. TEXIER requested details on the role of the Constitutional Court and of the Ombudsman in the protection and promotion of economic, social and cultural rights.

43. Mr. PILLAY said that reference to officials of the department responsible for internal security acting as judges was made in a FIAN report on Peru. Such a role had also been mentioned by the Peruvian National Human Rights Coordinator. He understood that Peru was obliged to fight terrorism but, in the matter of "faceless" or "hooded" judges, he suggested that Peru must also respect human rights. He requested an answer to his third question.

44. Mrs. JIMENEZ BUTRAGUEÑO inquired how dialogue with NGOs was conducted in Peru.

45. Mr. HERMOZA-MOYA said that he could not vouch for the accuracy of the United States State Department report. He suggested that those responsible for the information it contained might be asked to justify their contradiction of official Peruvian studies and statistics. Replying to the question asked by Mr. Ceville, he said that the language issue did not infringe upon any constitutional or legal provision. Peru's legislation required judges to

assure responsibility for designating interpreters. However, the situation was much facilitated by the fact that judges in areas in which Quechua or regional dialects were spoken were often familiar with those languages themselves. In addition, the State provided legal aid in cases of financial need. Although the subject was not relevant to the matters under discussion, he appreciated Mr. Pillay's concern regarding "faceless" judges, but urged him to understand the circumstances prevailing in Peru, which was subject to the worst situation of terrorism in Latin America, with a death toll of over 25,000 and financial losses of over 30 billion United States dollars. Circumstances had obliged Peru to adopt the foreign model of the system of "faceless" judges, on a provisional basis until the terrorism phenomenon had been brought under control. He himself had been a judge before the introduction of the "faceless" court and had sentenced terrorist leaders. Judges had always been prepared to accept responsibility for their decisions, because the judicial function had a long-standing record of total independence, and was highly respected, contrary to insinuations that judges were an improvization or consequence of a temporary political phenomenon. It was regrettable that the National Human Rights Coordinator should have incorrectly indicated that judges had been replaced in Peru by officials of the forces of law and order. That was insulting to Peru, which had the fully constitutional and totally independent institutions of the Ombudsman and the Constitutional Court.

46. He informed Mrs. Jimenez Butragueño that the Peruvian Government engaged in dialogue with NGOs when the latter so requested, provided that the matters to be dealt with were realistic and just. The objective of NGOs seemed frequently to be to tarnish the image of Peru by making unfounded accusations. Regarding the functions of the Ombudsman and the Constitutional Court he said that Peru was one of the few Latin American countries whose Constitution provided for an ombudsman responsible for protecting the human rights of citizens. The Constitutional Court represented a further advance in legislation. The Court was composed of members elected by the Congress to rule on citizens' complaints of unconstitutionality.

47. The CHAIRMAN said that, while Governments might not agree with views put forward by NGOs, the Committee attached the greatest importance to receiving information from all components of society. The reputation of a country was enhanced by the fact that information from NGOs was available in it, for that denoted an active civil society.

48. Mr. TEXIER said that the role of Peru's Ombudsman in defending economic, social and cultural rights was not clear to him. On the subject of "faceless" judges, he agreed with the Minister that the matter lay outside the remit of the Committee, but the subject had arisen because of the mentioning of such officials in the report. He therefore took the opportunity to suggest that a "faceless" judge could not truly be a judge. He suggested that the discussion should concentrate on economic, social and cultural rights.

Article 6: Right to work

Article 7: Right to just and favourable conditions of work

49. Mr. REYES, referring to issue 6 (E/C.12/Q/PER.1), said that there was no record of cases involving discrimination. Article 2, paragraph 2, of the Constitution established the principle of non-discrimination, and legislation had recently been introduced that prohibited discriminatory requirements which hampered access to employment and training. Peruvian legislation also established the right to equality before the law, including the right of workers to equal treatment by employers. The principle of equal treatment was embodied in article 26 of the Constitution, and in ILO Convention 111, which had been ratified by Peru. In response to issue 7, he undertook to furnish the relevant data to the Committee. Regarding issue 8, he said that under Peruvian law national and foreign companies could have up to 20 per cent of foreign workers on their workforce. Their remuneration could not exceed 30 per cent of the total wage bill.

50. Referring to issue 9, he said that, under the Constitution, no one could be compelled to work without his free consent or without remuneration. Legislative Decree No. 728 defined remuneration as the sum total of what was received by the worker from the employer, whether in cash or in kind. Nothing in that provision could be interpreted as undermining the concept of remuneration as the pivot of labour relations.

51. Slavery and forced labour (issue 10) were prohibited by article 23 of the Constitution, which provided that no labour relationship should limit the exercise of constitutional rights or diminish the dignity of workers. He was not aware of any cases of forced labour among the indigenous people or the Peruvian population as a whole. Peruvian legislation allowed adolescents aged 12 to 17 to seek employment, provided they did not undertake work harmful to their emotional, physical or mental health or which prevented their regular attendance at school. His Government aimed to eradicate the use of child labour and had signed a memorandum of understanding with the International Labour Organization to that effect. Within the framework of its plan of action for the years 1996-2000, the Government was to implement measures aimed at enhancing safeguards for young persons in employment and reducing the use of child labour, which was a necessary first step towards its eventual abolition.

52. Referring to issue 11, he said that Supreme Decree No. 006-71-TR had eliminated the determining role of the State in negotiations. The substantial revision of that legislation by Collective Labour Relations Act No. 25593 had not restricted the right to engage in collective bargaining in any way. Article 70 of the Act stated that parties to a labour dispute had the right, at all stages of the negotiations, to assemble, either of their own volition or if instructed to do so by the authorities, with a view to arriving at a peaceful settlement, and might use any legitimate means to achieve that end.

53. On the question of labour inspection (issue 12), his Government, which sought to play a leading role in raising public awareness of labour law, believed that preventive action was of paramount importance. Labour

believed that preventive action was of paramount importance. Labour inspections were carried out by a team of 80 inspectors, and a Legal Guidance Programme was being implemented to ensure that employers' obligations were more thoroughly enforced.

54. Mr. KOUZNETSOV said that a 1996 United States State Department report indicated that the Peruvian Government had introduced in June 1995 new employment legislation which abrogated the requirement that employers automatically reinstate any worker whose dismissal was found to be unjust. The Peruvian Council for Trade Union Coordination had claimed that some 3,000 workers had lost their jobs as a result. Could the Peruvian delegation confirm whether that information was correct?

55. Mrs. JIMENEZ BUTRAGUEÑO said that in November 1996 the Governing Body of the International Labour Organization had urged the Peruvian Government to ensure that, under Convention No. 111, workers, and particularly trade union leaders, were not dismissed for expressing political opinions. She wished to know what measures had been taken in response to that recommendation?

56. Mr. AHMED said that, according to the 1995 Annual Survey of Violations of Trade Union Rights, the introduction in Peru's 1993 Constitution of provisions concerning greater labour market flexibility and deregulation had eroded employment rights by making it easier for employers to lay-off workers or to hire them on a temporary basis, thereby circumventing the collective bargaining process. He would like to be informed of the differences between the earlier situation and that now obtaining in that regard.

57. Mr. RIEDEL said that the Peruvian delegation had mentioned a number of laws prohibiting forced labour, but he wished to know what was the actual situation, particularly with regard to indigenous people, and what measures were being taken to stamp out the practice.

58. Mr. ADEKUOYE said that, according to the report of Peru (para. 206), the principle of non-discrimination was strictly observed and no group of workers was deprived of equal opportunities. He wondered, however, if that was the case in practice. Did the Peruvian delegation have any statistics on gender distribution in posts of responsibility in the public and private sectors and on employment opportunities for disabled persons?

59. Referring to the right to reasonable limitation of working hours and paid holidays, he said that, according to information from independent sources, those rights had been made subject to negotiation by a law of April 1996, whereas they had previously been guaranteed. Were employers entitled to refuse to grant those rights, or was it the length of the working week and the level of holiday pay that were the subject of negotiation? He would like to know what were the comparative income levels of employees in the private and in the public sectors and how the minimum wage was determined.

60. The report dealt only briefly with the issue of occupational health and safety. Could the Peruvian delegation provide statistics indicating the number and type of occupational accidents over the previous 10 years?

what was the situation among workers in the informal sector, who were excluded from the unemployment figures and were not entitled to claim social security benefits.

62. According to Peruvian non-governmental organizations, the minimum wage of 300 soles was less than one quarter of the amount needed for subsistence. Was that figure correct, and if so, what measures were being taken to raise the minimum remuneration to an appropriate level.

63. He was concerned that, while trainees aged 16 to 25 formed a large part of the workforce in some Peruvian enterprises, they were deprived of certain employment rights, in particular the right to join trade unions. What were the reasons for that discriminatory measure? In practice women often encountered discrimination in respect of both remuneration and opportunities for promotion. Was that the case in Peru?

64. The International Labour Organization had received communications from the Association of Labour Inspectors indicating that, following staff cuts, Peru's Labour Inspectorate now employed only 70 inspectors and that only 600 inspections had been carried out in 1995. He asked what measures had been taken to enable the labour inspectors to function more effectively and whether the Labour Inspectorate enjoyed the support of Peru's legal institutions. Did the courts have powers to order the provisional closure of enterprises pending the improvement of health and safety standards, or to impose sanctions on employers found to be at fault?

65. Mr. WIMER observed that the International Labour Organization had made a substantial number of recommendations to the Government of Peru. Did the country have any official procedures for the consideration and implementation of such recommendations?

66. Mr. RATTRAY asked whether any form of redundancy payment was made in Peru to employees laid off as a result of the restructuring of enterprises.

67. The CHAIRPERSON proposed, in view of the short time remaining, that the Peruvian delegation should give, briefly, its answers to members' questions relating to issues 13 to 16. The Committee's questions relating to articles 6 and 7 of the Covenant might be answered at a later meeting.

68. It was so decided.

Article 8. Trade union rights

69. Mr. REYES (Peru), referring to issue 13, said that, of the large number of complaints received by the International Labour Organization from Peruvian trade unions, only three had related to alleged violations of the human rights of trade union leaders and those complaints were currently under investigation. The Committee must take into account the fact that Peru's trade unions had been infiltrated by drug traffickers, criminals and subversives who sought to provoke confrontation with employers and the Government. Genuine trade union leaders who resisted their influence were regarded as having capitulated to the authorities. His Government had adopted

a strategy to root out those elements, within the context of its efforts to pacify the country. It aimed to work jointly with local communities, since the successful implementation of the strategy was in their common interest.

70. With reference to issue 14, he said that article 4 of the Collective Labour Relations Act (No. 25593) prohibited interference by the Government or employers in the internal affairs of any union which workers might wish to establish. It also prohibited the dismissal or transfer of union representatives from one part of an enterprise to another without duly documented just cause or the free consent of the person concerned.

71. Labour relations in Peru (issue 15) had previously been regulated by a body of legislation which lacked cohesiveness. Recognizing that problem, the Government had introduced new legislation (Legislative Decree No. 25593) that was now in force and constituted a comprehensive instrument to safeguard trade union freedom.

The meeting rose at 6 p.m.